

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

JASON ADAM JENSEN,

Plaintiff,

v.

CITIBANK, N.A., et al.,

Defendants.

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Case No.: 6:22-CV-03140-BCW

**DEFENDANTS CITIBANK, N.A. AND CITIGROUP, INC.’S REPLY IN SUPPORT OF
MOTION TO STAY**

Defendants Citibank, N.A. and Citigroup, Inc. (the “Citi Defendants”) submit this reply in support of their Motion to Stay Proceedings on Count III of Plaintiff’s Amended Complaint (“Motion to Stay”).

Plaintiff Jason Jensen’s (“Jensen”) Opposition to the Motion to Stay fails to advance any legal or factual objections sufficient to challenge the Citi Defendants’ request. In fact, Jensen’s Opposition provides further support for why this Court should grant the Citi Defendants’ motion and stay Count III. The Opposition doubles down on each position taken by Jensen, or course of conduct followed by him, that the Citibank Defendants cited in their motion as improper and justifying granting a stay. Further, Jensen’s argument about alleged improper use of “settlement communications” is mistaken. The exhibit attached in support of the Motion to Stay did not involve or refer to any actual compromise negotiations between the parties. *See* Federal Rule of Evidence 408(a). Even if the exhibit could somehow be construed as relating to compromise negotiations, the Citi Defendants’ Motion to Stay did not relate to, much less mention, the remark

made by Jensen about which he now complains.¹ For the foregoing reasons and for those stated in the Motion to Stay, the Citi Defendants respectfully submit that this Court should grant their Motion to Stay.

Dated: June 20, 2023

Respectfully Submitted,

BRYAN CAVE LEIGHTON PAISNER LLP

By: /s/ Benjamin A. Ford

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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2023, I electronically filed with the Clerk of the Court using ECF system which will send notifications of such filing to all counsel of record.

/s/ Benjamin A. Ford

¹ Federal Rule of Evidence 408(a) pertains only to communications or conduct made during the course of compromise negotiations between parties and only prohibits evidentiary use of such communications or conduct “to disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or contraction.” The Motion to Stay referenced the exhibit to demonstrate plaintiff’s conduct in prosecuting this action, one of the bases for the Citi Defendants’ motion. *See* Federal Rule of Evidence 408(b). The Citi Defendants’ Motion to Stay made no reference whatsoever to whether Plaintiff’s claim was valid.